

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, November 20, 2014.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jeff Banyas, Jenny Brock and David Tomita, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

Mayor Ralph Van Brocklin called the meeting to order at 6:04 p.m. At this time, Captain Michael Cox, Salvation Army, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of Consent Agenda Items 3 and 4 under the "General" category, neighborhood lighting policy and additional lighting for TCCRP neighborhoods, be and the same is hereby approved.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, November 6, 2014, be and the same are hereby approved.

At this time, Mayor Ralph Van Brocklin presented a proclamation recognizing Small Business Saturday. Gary Mabrey, President and CEO, Chamber of Commerce, and Diane Cantler were present to accept.

Whereas small business is the cornerstone of our free enterprise system and since the birth of this country has represented opportunity, independence, and the fulfillment of dreams for generations of Americans; and

Whereas the self-sufficient owners who work long hours, juggling family and career responsibilities, are integral to our country's prosperity and to the vibrancy of their local communities; and

Whereas not only are these entrepreneurs pursuing better lives for themselves but they are shaping a healthier economy for us all, creating job opportunities, stimulating growth of other unique businesses, and encouraging citizens everywhere to "Shop Local!"

Now, Therefore, I, Ralph J. Van Brocklin, Mayor of the City of Johnson City, Tennessee, in conjunction with the national observance, do hereby proclaim November 29, 2014

Small Business Saturday

in Johnson City and encourage our citizens to patronize the backbone of our economy – small businesses – and to celebrate the accomplishments of their owners and employees.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 20th day of November 2014.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Mayor Ralph Van Brocklin presented an official pardon for the Up & At 'Em Turkey in support of the ninth annual Turkey Trot.

Due to the contributions that this fine feathered bird has made toward the health and wellness of our citizens, in leading the Turkey Trot, one of our most beloved community events, and in the spirit of this wonderful season of Thanksgiving, I hereby decree and grant a *full mayoral pardon* to the *Up and At 'Em Turkey*. May he live a full and blessed life at the helm of many events for years to come.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Johnson City, Tennessee, to be affixed this 20th day of November 2014.

/s/ Ralph J. Van Brocklin

Ralph J. Van Brocklin, Mayor

At this time, Mayor Ralph Van Brocklin and Tommy Burleson, Burleson Construction, made presentations on the Animal Shelter Project.

At this time, Mayor Ralph Van Brocklin opened the public input session. No one spoke.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Koto Johnson City, Inc., d/b/a Koto Japanese Steakhouse, 3020 Franklin Terrace, Johnson City, Tennessee, be and the same is hereby approved. Steven Elswick, representing the applicant, was present.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Hana Japanese Steakhouse, Inc., 112 Sunset Drive, Suite 2, Johnson City, Tennessee, be and the same is hereby approved. The restaurant Manager was present.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner Jeff Banyas, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the remainder of the Consent Agenda for November 20, 2014, be and the same is hereby approved.

CONSENT AGENDA:

A. GENERAL:

i. Johnson City Schools

Consider approval of the Certificate of Substantial Completion for Preston Construction on the Science Hill High School Sidewalk Canopies Project

ii. Finance

Consider an Agreement with respect to the development of the Downtown Event Facility between the City of Johnson City and the Johnson City Development Authority

iii. Development Services

Review and Approval of Neighborhood Lighting Policy

iv. Development Services

Consider Additional Lighting for TCCRP Neighborhoods

v. **Public Works**

Consider an increase in relocation expenses for Tract 2 on the Indian Ridge/State of Franklin Project in the amount of \$2,447.48 making the total moving expense \$4,947.48

vi. **Public Works**

Consider relocation expenses for Tract 5 on the Indian Ridge/State of Franklin Project in the amount of \$1,994.83

vii. **Public Works**

Consider an Agreement of Sale for properties within the Floodplain Buyout Program located at 105 and 107 South Austin Springs Road

viii. **Public Works**

Consider an Agreement of Sale for property within the Floodplain Buyout Program located at 109 South Austin Springs Road

ix. **Water & Sewer Services**

Consider Final Design Contract for Brush Creek Interceptor Replacement with Hazen & Sawyer Engineering

x. **Water & Sewer Services**

Consider Master Services Agreement for the Water/Sewer Technology Plan Assistance with Westin Engineering

xi. **Water & Sewer Services**

Consider Task Order #1 from Westin Engineering for Technology Master Planning

xii. **Water & Sewer Services**

Consider Task Order #8 from Wiedeman & Singleton for Design Work at The Watauga Water Treatment Plant

B. INVOICES:

- i. Mountain States Health Alliance. \$52,632.00
Human Resources
City & Schools Health Assessments
Funding Source: Health Insurance Fund
- ii. SimplexGrinnell \$2,104.11
Johnson City Schools **(FINAL PAYMENT)**
Indian Trail Intermediate School Fire Alarm System
Funding Source: Washington County Bond Fund
- iii. J.E. Green. \$39,373.51
Finance
Pay Request #4 ~ New Fieldhouse @ Kermit Tipton Stadium
Funding Source: Donations & Fees Reserved for Fieldhouse
- iv. Mattern & Craig \$1,200.00
Water & Sewer Services
Task Order #5 ~ Sewer Rehabilitation-Sanitary Sewer Support Services
Funding Source: Budgeted Expense
- v. Portland Utilities \$201,153.15
Water & Sewer Services
Pay Request #2 ~ 2014 Sewer Rehabilitation
Funding Source: Budgeted Expense
- vi. Energy Systems Group \$94,350.01
Administration
Freedom Hall Lighting Improvements
Funding Source: Capital Outlay Notes

At this time, a public hearing was held regarding Ordinance No. 4568-14. Tim O'Neill, developer, spoke for the project. No one spoke against this item.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, **Ordinance No. 4568-14**, "AN ORDINANCE TO REZONE 158, 168, 172, 174 SOUTH AUSTIN SPRINGS ROAD FROM R-3 (MEDIUM DENSITY RESIDENTIAL) AND A-1 (GENERAL AGRICULTURAL) TO RP-3 (PLANNED RESIDENTIAL)," was ***passed on second reading***. The motion ***carried*** by five ayes. There were no nay votes.

At this time, a public hearing was held regarding Ordinance No. 4569-14. No one spoke for or against this item.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jeff Banyas, **Ordinance No. 4569-14**, "AN ORDINANCE TO AMEND THE ZONING ORDINANCE REGARDING VESTING RIGHTS OF DEVELOPMENT WITH SITE PLAN APPROVAL," was ***passed on second reading***. The motion ***carried*** by five ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jeff Banyas, **Ordinance No. 4558-14**, "AN ORDINANCE TO ADOPT A UTILITY DEPOSIT POLICY FOR WATER, SEWER, SOLID WASTE, AND STORMWATER UTILITY CUSTOMERS AND REPEALING ALL ORDINANCES IN CONFLICT HERewith," was ***passed on third reading***. The motion ***carried*** by five ayes. There were no nay votes.

ORDINANCE NO. 4558-14

AN ORDINANCE TO ADOPT A UTILITY DEPOSIT POLICY FOR
WATER, SEWER, SOLID WASTE, AND STORMWATER UTILITY
CUSTOMERS AND REPEALING ALL ORDINANCES IN CONFLICT
HEREWITH.

BE IT ORDAINED by the City of Johnson City, Tennessee as follows:

SECTION I. The Board of Commissioners of the City of Johnson City hereby adopts
the Utility Deposit Policy which is attached as Exhibit A.

SECTION II. BE IT FURTHER ORDAINED that all laws and ordinances in conflict
herewith be and the same are hereby repealed.

SECTION III. BE IT FURTHER ORDAINED that this ordinance shall take effect from
and after its passage on third and final reading, the public welfare requiring it.

PASSED ON FIRST READING 10/16/2014
PASSED ON SECOND READING 11/06/2014
PASSED ON THIRD READING 11/20/2014
APPROVED AND SIGNED IN OPEN MEETING
ON THE 20th DAY OF November, 2014

/s/ Ralph Van Brocklin
MAYOR

ATTEST:

/s/ Janet Jennings
City Recorder

APPROVED AS TO FORM:

/s/ James H. Epps, IV
City Attorney

City of Johnson City

Exhibit A

Utility Deposit Policy

1.0 Policy Statement: A security deposit for utility services – water, sewer, solid waste, and storm water – will be collected to ensure that all bills are paid in full by the due date. The City seeks to protect customers with good payment histories from the consequences of uncollectible accounts by other customers. Deposits may be reduced or waived based on credit rating or payment history with the utility. Security deposits are non-transferable to another person and cannot be used to pay regular bills.

2.0 Single Family Residential Customer Deposits: New and current residential customers who move within the utilities' service areas will be subject to this policy as of the time its adoption. Also, customers receiving service before the implementation of this policy who are cut off for non-payment, meter tampering, or any other reason will be required to pay the standard deposit and all appropriate fees for each account before service is restored. The standard deposit will be approximately double the average monthly bill of services provided. The reduced deposit will be half the standard deposit (the equivalent of an average monthly bill). Deposits, if required, will be collected for each separate account opened by a customer.

2.1 Determining the Deposit Amount: Deposit amounts are based on charges and rates for the fiscal year in which deposit is made. The full residential solid waste rate will determine the solid waste component of the utility deposit. The average residential storm water rate will determine the storm water component of the utility deposit. An average of 4,800 water/sewer gallons billed per month will be the standard for determining the water and sewer component of the utility deposit. Current deposit requirements are published as part of the rates and charges schedule.

2.2 Credit Rating: The deposit amount (standard, reduced, zero) collected from new customers is determined by the customer's credit rating from a contracted rating agency. The rating scale to determine the standard, reduced, or zero deposit is established by the City. Applicants for service with ratings presenting no credit risk will not be required to pay a deposit. Applicants with ratings presenting moderate credit risk will be charged the reduced deposit. Applicants with ratings presenting high credit risk will be charged the standard deposit. New applicants for service who decline the option of using a credit rating to determine the deposit amount will be charged the standard deposit.

2.3 Payment History with the Utility: The City reserves the right to evaluate the payment histories of customers to assess risks. The city's current billing software provides a Credit Rating Code for each customer based on payment history:

Credit Rating Codes (The Rating Code)

Code	Description
2	Balance paid before or on due date
3	Penalty applied to current bill if not paid by or on due date
4	Next bill printed with current amount plus previous bill with penalty
5	Penalty applied to current bill. Total bill includes current bill plus penalty and previous bill plus penalty
6	Appeared on cut off list for non-payment of previous two bills including penalties
7	Next bill printed with current amount plus previous two bills with penalties (It is very rare that a customer will get a third bill without having paid the previous two bills, for example, customers who have set up pay plans.)
8	Appeared on cut off list for non-payment of three previous bills (very rare).
9	Bad check returned (entered through Returned Check option in Cash Receipts)

Current customers who move within the service area, or seek new or additional utility services, will be subject to this policy. The Rating Code will determine the deposit amount to be collected from the customer. Current customers will not have their credit checked through the contracted credit rating service. Customers with Credit Rating Code "2" will not be charged a deposit. Customers with Credit Rating Code "3" or "4" will be charged the reduced deposit. Customers with Credit Rating Code "5" and higher will be charged the standard deposit. Current customers must be established for twelve (12) months for consideration of payment history. Current customers established for less than twelve (12) months will be considered new customers and subject to the provisions set forth in section 2.2.

2.4 Future Payment of Deposits: Although deposits may be reduced or waived during the application process due to good credit or good payment history, the City shall require the customer to make a deposit or deposits in such amounts that will bring the deposit(s) to the standard deposit level should the customer's utility account become delinquent and cut off for non-payment.

3.0 Multi-Unit Residential and Non-Residential: Deposits may be required for multi-unit residential (master metered) and non-residential customers who have a history of being disconnected. Deposit amounts will be determined on an individual basis based on customer history and usage patterns.

4.0 Refund of Deposits: When service is terminated, unused security deposits will be refunded with interest at the same rate applicable to the city's account in which the security deposit is held. The City may deduct such amount from the deposit(s) to offset any outstanding balance prior to the refund of the deposit. A deposit will not be refunded if a customer has another utility account with a balance owed to the City.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, **Ordinance No. 4567-14**, "AN ORDINANCE TO REZONE 1100 WEST STATE OF FRANKLIN ROAD FROM I-2 (HEAVY INDUSTRIAL) TO B-3 (SUPPORTING CENTRAL BUSINESS)," was ***passed on third reading***. The motion ***carried*** by five ayes. There were no nay votes.

ORDINANCE NO. 4567-14

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY CHANGING FROM AN I-2 (HEAVY INDUSTRIAL) DISTRICT TO A B-3 (SUPPORTING CENTRAL BUSINESS) CERTAIN PROPERTY LOCATED AT 1100 W. STATE OF FRANKLIN ROAD.

BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That the Zoning Map of the city of Johnson City, Tennessee, being a part of the appendix to Ordinance No. 1519 entitled, "An Ordinance to Adopt a Code of Laws and Ordinances for the City of Johnson City, Tennessee, and to Repeal All Laws and Ordinances in Conflict Therewith," and all ordinances supplementary thereto and amendatory thereof, be and the same is hereby amended and modified by changing the zoning on the following described property from an I-2 (Heavy Industrial) District to a B-3 (Supporting Central Business) District.

See description marked "Exhibit 'A'" hereto.

See map of the above-described property marked "Exhibit 'B'" hereto.

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED ON FIRST READING
PASSED ON SECOND READING
PASSED ON THIRD READING

16 OCT. 2014
06 NOV 2014
20 NOV 2014

APPROVED AND SIGNED IN OPEN MEETING
ON THE 20th DAY OF November, 20 14

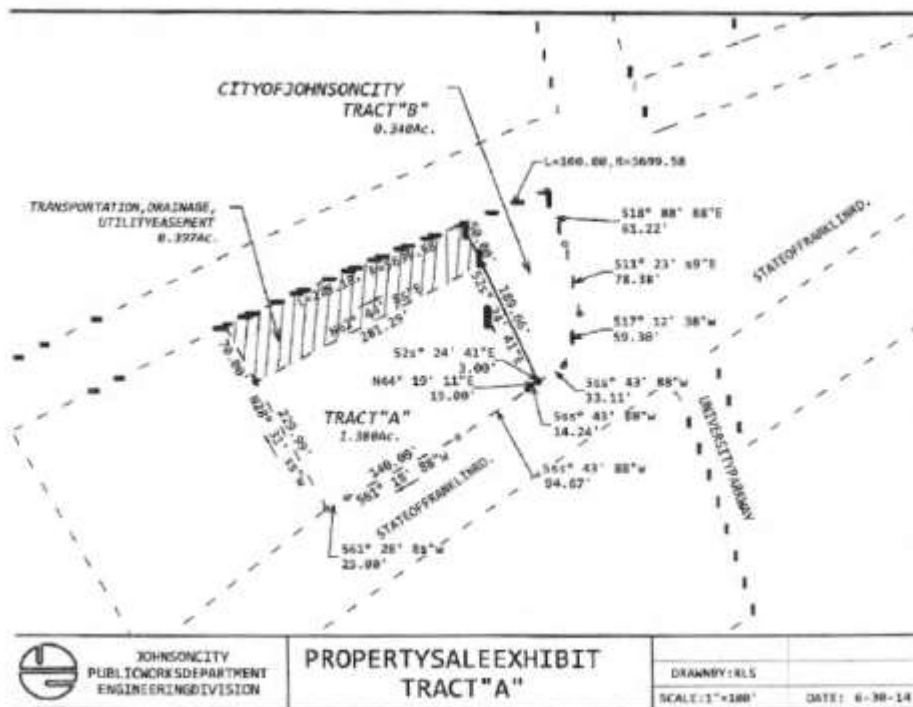
ATTEST:

MAYOR

City Recorder

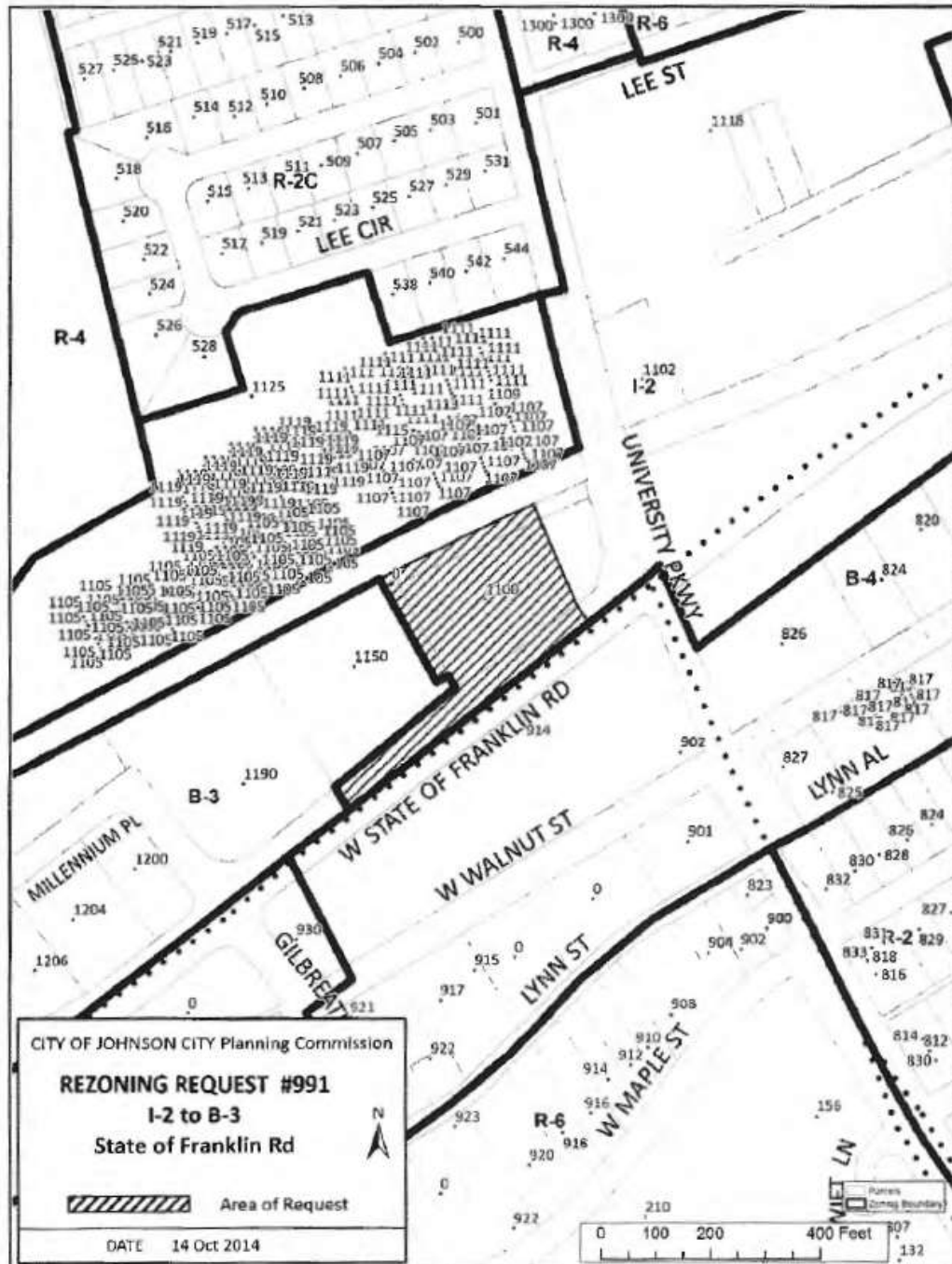
APPROVED AS TO FORM:

City Attorney



"Exhibit A"

"Exhibit 'B'"



At this time, several members of City Staff gave presentations, as follow:

- Steve Neilson, Development Coordinator, provided an update on the food truck vendor ordinance.
- Phil Pindzola, Public Works Director, provided an update on Public Works projects and maintenance.
- Mark Sirois, Police Chief, provided a Traffic Safety Cameras update.
- Janet Jennings, Finance Director, presented a review of outstanding Debt.
- Jim Hughes, Golf Director, provided a Golf update.

At this time, City Manager Pete Peterson presented the City Manager's Report.

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 10:10 p.m.

RALPH VAN BROCKLIN
MAYOR

JANET JENNINGS
CITY RECORDER

ITEMS DEFERRED:

1. Consideration of Consent Agenda Items 3 and 4 under the "General" category, neighborhood lighting policy and additional lighting for TCCRP neighborhoods.

ACTION ITEMS:

1. None.